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NEW YORK, THURSDAY, MAY 17, 1894.

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20 WORDS, 10 CENTS

NO MORE RACE TRACK RAIDS.

Test Case to Go to the Supreme Court for Speedy Action.

DWYER ACCEPTS THE ISSUE.

He Will Be Held by Justice Walsh and Habeas Corpus Proceedings Begun.

LOTTERY OR NO LOTTERY?

Lawyer Bowers Argues that the Court of Appeals Has Upheld the Turfmen.

Lawyers John M. Bowers, Jere Wern-berg and Charles J. Patterson held an animated consultation. Mr. Dwyer appeared promptly at the time set for the examination and took a seat beside his counsel. He seemed to be nervous. Lawyer Bowers made the opening ad-

Lawyer Bowers made the opening address for the defense.

He first took the affidavit of F. W.
Judson, upon which Mr. Dwyer was arrested, and endeavored to pick it to pieces. He said: "Admitting that all this is true, there is no crime against Mr. Dwyer. The complaint alleges that Mr. Dwyer is the President of a certain organization known as the Brooklyn Jockey Club.

"This Club offered a stake race on May 15. Admitting that forty-six men contributed \$250 each, then the Club must have added \$14,000 to make up the necessary stake. This addition, according to the Court of Appeals, does not make the stake a lottery."

Lawyer was nothing in the written deportance was nothing in the written acriminal charge.

When, at last, Mr. David was examined, almost every question put to him by his lawyer met with an objection from Mr. Goff.

"To whom did you give your order for Long shares of common stock of the Canadian Pacific Raliroad in June, 1883?" asked Mr. Parker.

After Mr. Goff s objection to this was surmounted David answered:

"Objected to," said Mr. Goff, "because how is the witheas to know who Mr. Haviland was?"

This objection to him objection from Mr. Goff.

"To John G. Haviland."

"Objected to," said Mr. Goff, "because how is the witheas to know who Mr. Haviland was?"

"This objection to this was surmounted David answered:

"This objection to him objection to this was surmounted David answered:

"To John G. Haviland."

"This objection to him objection to this was surmounted David answered:

"This objection to have a dead of the with an objection of the with an objection of the with an objection of the

Upon this point Mr. Bowers read the decisions of the Court of Appeals in several cases, all of which were to the effect that when a club added certain moneys to the stake, the race could not strued as a lottery. Under the statutes it is held that it is lawful to

offer a prize for a contest of this char-Bowers said: "Mr. Dwyer i charged with maintaining a lottery. It is not a lottery in any sense of the word."

case was adjourned by consent till 10 o'clock to-morrow morning.

Meanwhile it was agreed on the part of the prosecution that De Lacy should cause the Club no further annoyance.

Mr. Dwyer will undoubtedly be held at the conclusion of to-morrow's hearing.

LA MONTAGNE AND FULTON. BOOKMAKER PUNCHED SAYS HE WAS SHOT AT

HOW TO GET WORK: PUT A LITTLE SITUATION ADVERTISEMENT IN

Face Accuser David in Court.

Defendant Clarke's Examination Charged He Was Being Swindled He Avers an Attempt Was Made to Postponed Until To-Morrow.

Edward La Montagne and Elisha M. Fulton, jr., of the defunct firm of La Barnett Was Formerly John L. Sul-Alleges He Was Beaten and Pur-Montagne, Clarke & Co., were again arraigned before Justice Taintor in the Tombs Court this morning on the charge of having misappropriated \$74,000, de-posited with the firm by Florence Mereas margin in certain stock and wheat

Herman Clarke, the third member of the firm, who is jointly charged with the others, was not arraigned this morn-Clarke, pleaded that an engagement in the Supreme Court would prevent his attending the examination in the police court, and was therefore allowed to have the case of his client separated from that of the others, and set down

talent to-day on both sides of the case. In addition to Benjamin J. Downer and William M. Ivins, who have heretofore represented the complainant, Lawyer Andrew D. Parker appeared to-day.

For Defendant La Montagne ex-District-Attorney Nicoll has been retained in addition to Charles H. Russell, of the firm of Stetson, Tracy, Jennings & Russell.

On behalf of Defendant Fulton, ex-Assistant District-Attorney John W. Goff and Mr. Augustus C. Brown appeared.

Philip Dwyer, President of the Brooklyn Jockey Club, who is charged with
maintaining a lottery within the Association's grounds at Gravesend, was arraigned before Justice Walsh, in the
Adams Street Police Court, Brookiyn.
The small court-room was crowded
with bookmakers and others connected
with bookmakers and others connected
with turf. Shortly before 10 o'clock
Lawyers John M. Bowers, Jere Wernberg and Charles J. Patterson held an

plainant.
At first Justice Taintor decided against Mr. Goff's view, but finally consented to order David to be grally examined, because Mr. Goff moved that the case against the defendants be dismissed, as there was nothing in the written deposition that would constitute a criminal charge.

Witness Coming Tells of the Rocky Fork Railway's Construction.

When the Northern Pacific inquiry was resumed this morning before Spe-cial Master Cary in the Mills Building, word."

Mr. Bowers then offered a number of definitions of the word lottery, and advanced a decision of a Michigan Court, which said that a lottery was a scheme for the distribution of money or property, where man's reason, choice or skill plays

Where man's reason, choice or skill plays

He testified that he voted for the pur-

where man's reason, choice or skill plays no part.

"In entering a horse in such an event," said Mr. Bowers, "as the Brooklyn Handleap, a man must display some sagacty, and he must have skill in getting his horse prepared."

Mr. Bowers further alleged that the complaint made by De Lacy's man did not come under the lottery clause of the code, but instead, under chapter 9, which refers to gaming.

This clause holds that all racing or

and Howers further alleged that the complaint made by De Lacy's man did not come under the lottery clause of the code, but instead, under chapter 9, which refers to gaming.

This clause holds that all racing or trials of speed between horses or other animals for any stake is a public nutsiance.

Mr. Bowers said his side had offered to take the issue to the higher courts immediately, but this was refused.

Lawye: Elliott, for the prosecution, said he was unable to present certain important papers, and asked the Court important papers, and asked the Court to testeve his decision until later.

But aren't you ready to produce legal proof of these charges?" asked writed in New York, but it don't go here."

Then I shall address you through the Court, "asid Mr. Bowers."

Then I shall address you through the Court, "said Mr. Bowers."

Do so in the future," retorted his sponent.

Mr. Elliott then proceeded to pitch into the defense in scathing terms.

Mr. Elliott then proceeded to pitch into the defense in scathing terms.

They are beating about the bush and they don't want a real," Mr. Elliott relied, "they don't want an examination. They are beating about the bush and they ever offered to take the case to a ligher court and "(looking directly at this point Mr. Bowers)" you know you never made any such proposition."

This point Mr. Bowers jumped up and significant they ever offered to take the case to a fight the proposition."

This point Mr. Bowers jumped up and significant they ever offered to take the case to a fight they don't want as real." Mr. Elliott they ever offered to take the case to a fight they don't want as real." Mr. Elliott they ever offered to take the case to a fight they don't want as real." Mr. Elliott they ever offered to take the case t

TO INVESTIGATE CHARGES.

Charities Commissioners Will Be

A Supreme Court decision will be obtained probably by Saturday afternoon.

The other cases were put off till the decision of the Supreme Court. If the decision of the Supreme Court Justices is against Dwyer, the race track will have to close at once.

Ready in a Few Days.

Mayor Gliroy to-day received a letter from Dr. Carlos MacDonaid, President of the State Commission in Lunacy, stating that he had conferred with his fellow-Commissioners, and would be ready will have to close at once.

Examining Building Department

Books.

The Commissioners of Accounts to-day begin an examination of the books of the Building Department of the Insane on Ward's Island.

The attention of Dr. MacDonald was department was organized in 1831.

The attention of Dr. MacDonald was drawn to the matter a few days and by the Mayor.

Two Members of the Defunct Firm Jack Barnett Gives a Black Eye Cab Driver Donovan Accuses to Joe English.

Out of Winnings.

livan's Manager.

Bookmaker Joe English has the big-

the others, was not arraigned this morning. Lawyer Howe, of the law firm of Howe & Hummel, who appeared for Clarke, pleaded that an appeared for Clarke, pleaded that appeared for Clarke, plead street and passed part of the time in tain but that the bones of his right the Hoffman Restaurant and part in a wrist have been fractured by a victous saloon at Beaver and New streets. The blow which he claims to have rebrokers of the Maritime and Produce ceived from the policeman's club.

know, and they are not sure whether it drinking in a barroom.

was yesterday or on Handicap day, but The attempted murder, Dopovan avers they say English appeared yesterday af- was the culmination of a grudge growternoon with an eye that was a marvel ing out of a false impression made upon in blackness.

Well, The boys introduced to her, which are supported to the place and provided the place and place are the subject to the place and place are the place

Shooting Gallery Man Ordered to Discontinue Their Use.

order which will be served by Police-man Walsh, of the Sanitary Squad, this This Evening. Sanitary Supt. Dr. Roberts issued an afternoon, upon the proprietor of the

VERDICT FOR NOSTRAND.

Policeman Conroy.

Take His Life.

sued Through the Streets.

Frank Donovan, a hack driver for dith David, of Montreal, in 1892 and 1893, gest and blackest black eye this morn- John McCormick, of 17 Jones street, is Ing that the members of the Produce congratulating himself upon what he Exchange have seen in a month of Sun-claims was a marvellous escape from days.

being murdered during the early hours

English had been making a hand- of this morning by a policeman, who,

> Captain of the precinct put a stop to it. bruises and contusions as the result of Then English moved over to Beaver the alleged assault, and he is not cer-

exchanges made bets with him daily. Donovan, accompanied by his em-Jack Barnett, who was manager of ployer, called at Police Headquarters There was a fresh accession of legal John L. Sullivan for several years, made this afternoon and made a complaint talent to-day on both sides of the case. a bet with English, and the horse he against the policeman, accusing him bet on won. What horse Barnett bet on of felonious assault, falling properly to the brokers about the Exchange do not patrol his post, being drunk and of

the policeman's mind by a malicious There was a story in circulation this tale-bearer.

There was a story in circulation this morning that English had gone to Cusack's saloon and had been brutally beaten by Barnett and Cusack, but this report is probably untrue. Cusack venemently denied this morning that the trouble happened in his place.

A broker who wouldn't give his name says the true story is that Barnett went hunting for English, and finding him in front of the Hoffman, which is directly across the way from the Produce Exchange, demanded his money. English refused, saying he had no record of the wager. Barnett then struck the bookmaker in the eye and a man who was with him also struck English. The two punched the bookmaker until bystanders interfered.

English is about forty-two years old and is a paratic however he drew back and struck me a poverful blow with his clincaed fist on the forehead. The blow staggered me,

the influence of liquor and in an ugly mode, maker in the eye and a man who was with him also struck English. The two to punched the bookmaker until bystanders interfered.

English is about forty-two years old and is no match physically for Barnett. Neither he nor Barnett was about lower Broadway this morning. English is as the brokers know, never welched. He used to "make book" in England.

GOULD IS NOT ENGAGED.

Howard Admits, However, that He Has Met Miss Hopper.

Howard Gould says that there is no truth in the story published to-day that he is to marry Miss Lulu Hopper, but admits frankly that he has met the young lady, who is said to be employed in a lithographic shop.

Mr. Gould was seen at his office, in the Western Union Building, to-day by an "Evening World" reporter, and in a nugly mood.

"I paid no attention to him." Donovan continued, "until without any provocation whatever he drew back and struck me a poverful blow with his blim, which he hop which which with the blow staggered me, and in a nugly mood.

"I paid no attention to him." Donovan continued, "until without any provocation whatever he drew back and struck me a poverful blow with his placed. Then the blow staggered me, and spound remains the blow staggered me, and in a nugly mood.

"I paid no attention to him." Donovan continued, "until without any provocation whatever he drew back and struck me a poverful blow with his placed. Then the blow staggered me, and in got up on the seat and started to drive away with my passenger when Conroy rushed across the way. There was a young man waiting for me, and i got up on the seat and started to drive away with my passenger when Conroy rushed across the with the burt end on the head.

"The blow staggered me, and I jumped down to avoid further punishment. Conrow says may be sent and started to drive away with my passenger me, and I jumped down to avoid further punishment. Conrow says with my passenger me, and I jumped down to avoid further punishment conducting the whip from the socket, he dealt me a b

DRUMMING UP SACHEMS.

shooting gallery in the old Parker House on Broadway between Thirty-third and Thirty-fourth streets, commanding him to do away with electric target belis within the next twenty-four hours. In the event of fallure to comply with the order the proprietor will be prosecuted.

Every effort is being made to drum together enough Tammany Sachems to make a quorum at the meeting called for this evening to elect a Grand Sachem. Grand Seribe and Father of the Council.

Only six of the Sachems elected re-Council.

Only six of the Sachems elected recently have qualified. A special meeting is to be held at 4 o'clock for the purpose of installing those who have not qualified. If a working majority is obtained the business meeting will be held later.

Awarded One-Tenth of the Sum He
Sued For.

Warner H. Nostrand, who said he
gave up his commission as Lieutenant
in the Navy to manage the estate of
Mrs. Anna K. Hatch, got a verdict
against her for his services in the
Court of Common Pleas to-day for \$2.500.

Me sued for \$2.500.

OF COURSE NOBODY BELIEVES IT.



That Absurd Senate Bribery Story.

to Chinatown "Company.

cratic English Family.

to-day heard the suit of Mrs. Madge Birch for an absolute divorce from Lio

nel Birch. Mrs. Birch is an actress of some inence. Her stage name is Madge Dean and she is well known in the character of Willie Grow with Hoyt's "A Trip to

Chinatown" company. Lawyer A. H. Hummel appeared as

harm.
The Hudson County Grand Jury indicted Altenberger for murder in the
first degree to-day. Arrangements
have not yet been made for the funeral
of the murdered girl.

"Lamb's" Cigarres, made of pure Havana 'obacco. 10c. a package. A MAGIC IRON-TONE in the fashlogable drink of the sesson. Try it, 5c. glass. Bottles, 25c. 4

approved by Gov. Flower. Her Hysband Comes of an Aristo- Brooklyn May Not Have a New

> Sulzer's Bill for More Pay to Mr Andrews's Drivers Killed.

Street-Cleaning Department.

ALBANY, May 17.-Gov. Flower has

dicated:

days.

TO GO AFTER ALTENBERGER,
All that this bill contains is included and the enactment of the bill would repeal all the providing for the creations of Chapter May be a made as a manager of the state of the bill would repeal all the providing for the creations of the providing for the creations of the providing for the creations of the providing for the creation of two new justice courts in the life would repeal all the providing for the creation of two new justice courts in the life would repeal all the providing for the creation of two new justice courts in the life would repeal all the providing for the creation of two new justice courts in the life would repeal all the providing for the creation of two new justice courts in the life would repeal all the providing for the creation of two new justice courts in the life would repeal all the providing for the creation of two new justice courts in the life would repeal all the providing for the creation of two new justice courts in the city of two new justice courts in the creation of two new justice courts in the city of two new justice courts in the city of two new justice courts in the creation of two ne

of Identifying the body of the murder, girl.

They will also identify Altenberger when he is brought from Utica, where he was arrested, and where he made a full confesson of the murder, Detective Doyle, armed with the necessary requisition papers, will start from Jersey City to-morrow morning for Utica to bring Altenberger to Jersey City. The Jersey City noorrow morning for Utica authorities to keep a strict watch over the prisoner to prevent him from doing himself any bodily station; John Kenny, of the Elitridge station: John Kenny, of the Eldridge street station, and Roundsman Michael Downs, of the Delancey street station, pleaded not guilty to charges of extortion and blackmail preferred against them by two peddlers.

The policemen will be placed on trial next week.

Put Out Upon the Street.

All Night Long Mother and Babes Kept Vigil on the Sidewalk.

vigil that unfortunate Mrs. Sarah Goldberg kept last night, and will probably repeat again to-night, on the sidewalk in front of the house 19 Allen street, from which she was evicted, with her four

t'ny children, yesterday afternoon. Her husband, Meyer Goldberg, tried vetoed these bills, for the reasons innothing doing in the fur business, which

Downs to Be Tried for Extortion. ing by a fire which caused a loss of The fire was discovered in the grocery store of John O'Toole, 203 Fourth avenue. The flames soon spread to the Metropolitan Meat Market and a dwelling a adjoining. The buildings were old es, and were covered by insurance. The entire Fire Department was called out, and it took two hours of hard work to subdue the flames.

SENATORS AROUSED.

Will Investigate Bribe-Offerings and Stories of Sugar Deals.

LODGE RESOLUTION CARRIED.

But with Its Provisions Broadened to Make a Complete Dragnet.

OLNEY MAY HAVE TO ANSWERL

Is There a Good Anti-Trust Law ? And What Is He Doing Aboat It?

(By Associated Press.)
WASHINGTON, May 17.—There was in area of low barometer and ind an area of low barometer and indica-tions threatening a storm over the United States Senate, when that met to-day. The attendence was large on both sides of the chamber.

Mr. Morgan opened proceedings by offering for reference a resolution which, after reciting the existence of the Sherman Anti-Trust law of June 1, 1892, and the alleged existence of a MRS. BIRCH GETS A DIVORCE. VETOES STILL COME. ONLY OWED FOUR DOLLARS.

She Is an Actress in the "Trip Newtown Creek Tunnel Bill Dis-Yet the Destitute Goldbergs Were Trust, called on the AttornsyShe Is an Actress in the "Trip Newtown Creek Tunnel Bill Dis-Yet the Destitute Goldbergs Were Trust law."

The resolution introduced by Senator Lodge to investigate the charges of attempted bribery of Senators Kyle and Hunton to vote against the Tariff oill, also the allegations that the Sugar Trust had made contributions to campaign

funds, was then brought up. Senators Cockrell, Hoar, Chandler Faulkner and Vilas offered amendments which made the resolution a veritable drag-net, including all charges of bribery, all allegations of contributions by the Sugar Trust, directly or indirectly, to campaign committees or for use in elections by either party, or that any Senator had in any way been improperly

influenced in the tariff legislation Senator Hunton asked a speedy investigation, as did Senator Harris. Senator

PARK WORK NEARLY ENDED.

Gradually Laying Off Men Hired Under the Big Appropriation. President Clausen, of the Park Board, said this morning that the park improvements under the million dollar appropriation would be finished in about

Weather Forecast.

The weether forecast for the thirty-six hours ending \$ F. M. to-merrow is as follows: Occasional abovers; warmer, winds becoming south-off 1,200 men.